

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Lewin, et al.	§	Atty.Dkt.No.:	5957-48401
Serial Number:	10/654,619	§	Examiner:	Nguyen, Van Kim T.
Filing Date:	September 3, 2003	§	Group/Art Unit:	2456
Title:	System for Transporting Ethernet Frames over Very High Speed Digital Subscriber Lines	§	Conf. No.:	4999
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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. Spinel Ektronix LLC (“ASSIGNEE”) is the owner of all rights in the captioned application and prior U.S. Patent No. 6,680,940 (“the Earlier Patent”).

2. ASSIGNEE hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application that would extend beyond the expiration date of the full statutory term of the Earlier Patent, as the term of the Earlier Patent is defined in 35 U.S.C. §154 to §156 and §173, and as the term of the Earlier Patent is presently shortened by any terminal disclaimer.

3. ASSIGNEE hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and the Earlier Patent are commonly owned. This agreement runs with any patent granted on the captioned application and is binding upon the grantee, its successors or assigns.

4. In making the above disclaimer, ASSIGNEE does not disclaim the terminal part of any patent granted on the captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of the Earlier

Patent, as the term of the Earlier Patent is presently shortened by any terminal disclaimer, in the event that the Earlier Patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

5. Further, for any patent granted on the captioned application, ASSIGNEE does not disclaim any extension or restoration of term that may be available under any applicable statute.

6. The undersigned is an agent of record.

A Fee Authorization form is enclosed to cover the fee for this disclaimer; however, the Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5957-48401/LJM.

Respectfully submitted,

Date: April 13, 2009

By: /Lawrence J. Merkel/
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